

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
YELLOW CAB COMPANY, INC.)	FCC File Nos. D099426, D099427
)	
Petition for Reconsideration of Dismissal of)	
Applications to Modify Licenses in the 800 MHz)	
Industrial/Land Transportation Radio Service)	

ORDER ON RECONSIDERATION

Adopted: January 27, 2000

Released: January 31, 2000

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. *Introduction.* On May 8, 1998, Yellow Cab Company, Inc. (Yellow Cab) filed two petitions with the Public Safety and Private Wireless Division (Division) requesting reconsideration of the action by the Licensing and Technical Analysis Branch (Branch) dismissing Yellow Cab's applications to modify its licenses for Stations WPGH481 and WNQL507.¹ For the reasons discussed herein, we deny the petitions for reconsideration.

2. *Background.* On December 23, 1997, Yellow Cab submitted two applications to notify the Commission of modifications to its licenses for 800 MHz Conventional Industrial/Land Transportation Radio Service Stations WPGH481, Washington D.C., and WNQL507, Baltimore, MD.² For Station WPGH481, Yellow Cab submitted an application to notify the Commission that it was adding a second transmitter site on frequency 851.1357 MHz at Savage, MD.³ For Station WNQL507, Yellow Cab submitted an application to notify the Commission that it relocated frequency 851.7875 MHz from Baltimore, MD to Towson, MD.⁴ Yellow Cab provided engineering statement with the applications demonstrating that the new sites were entirely within the respective stations' existing 22 dBu contours.⁵ Yellow Cab did not submit evidence of frequency coordination with either application. On April 8, 1998, the Branch dismissed both applications for failure to comply with the frequency coordination

¹Yellow Cab Company, Inc., Petition for Reconsideration, FCC File No. D099426 (filed May 8, 1998) (Station WPGH481 Petition); Yellow Cab Company, Inc., Petition for Reconsideration, FCC File No. D099427 (filed May 8, 1998) (Station WNQL507 Petition).

²FCC File Nos. D099426, D099427 (filed December 23, 1997).

³See Station WPGH481 Petition at 1.

⁴See Station WNQL507 Petition at 1.

⁵Station WPGH481 Petition at 2; Station WNQL507 Petition at 2.

requirements set forth in Section 90.175 of the Commission's Rules.⁶

3. *Discussion.* Yellow Cab argues that the applications did not require frequency coordination and were correctly filed pursuant to Section 90.693 of the Commission's Rules.⁷ Section 90.693(b) provides, in pertinent part, that incumbent 800 MHz licensees who obtained licenses or filed applications on or before December 15, 1995, may add or modify transmitter sites within their original 22 dBu contour without prior notification to the Commission, provided that (i) the original 22 dBu contour is not expanded and the station complies with the Commission's short-spacing rules, and (ii) the licensee notifies the Commission within thirty days of the completion of any changes by filing a modification application.⁸ The rule states that such applications must be submitted on the correct form and include the appropriate filing fee, if any, but are not subject to public notice or petition to deny requirements or mutually exclusive applications.⁹

4. We agree that Section 90.693(b) applies in the instant case, and that Yellow Cab is permitted to make minor modifications without prior approval of the Commission.¹⁰ However, all applications to modify private land mobile radio stations require evidence of frequency coordination.¹¹ Yellow Cab fails to provide any support for its assertion that Section 90.693 eliminates the requirement of frequency coordination,¹² and Section 90.693 does not contain any such language. Furthermore, Section 90.175 provides a list of the type of applications that do not require evidence of frequency coordination and, the list does not include modification applications submitted pursuant to Section 90.693.¹³ Therefore, Yellow Cab's subject modification applications, which lacked evidence of frequency coordination when submitted, were defective and, thus, were properly dismissed by the Branch.

5. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 309, and 405 of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 309, 405, and Section 1.106 of the Commission's Rules, 47 U.S.C. § 1.106, the petitions for reconsideration filed by the Yellow Cab Company, Inc. on May 8, 1998, are DENIED.

⁶See Letters from Kristen Stone, Licensing and Technical Analysis Branch, Public Safety and Private Wireless Division to Pamela Gaary, Esq., Counsel for Yellow Cab Company, Inc. (April 8, 1998).

⁷Station WPGH481 Petition at 2; Station WNQL507 Petition at 2.

⁸47 C.F.R. § 90.693(b).

⁹*Id.*

¹⁰See Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, *Memorandum Opinion and Order on Reconsideration*, 14 FCC Rcd 17556, 17569 ¶ 20 (1999).

¹¹See 47 C.F.R. §§ 90.127(a), 90.175.

¹²Station WPGH481 Petition at 5; Station WQNL507 Petition at 5.

¹³See 47 C.F.R. § 90.175(i).

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau